

Serial No.: 10/585,448
Atty. Docket No.: LNK-016
Response of April 29, 2010

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of the claims in the application:

Listing of Claims:

1. to 4. (Canceled)
5. (Previously Presented) A crystalline polymorph Form B of N,N-dimethyl-5-(1H-1,2,4-triazol-1-ylmethyl)-1H-indole-3-ethanamine benzoate which exhibits a characteristic X-ray powder diffraction pattern with characteristic peaks expressed in d-values (\AA) at 10.4 (vs), 5.45 (s), 4.95 (s), 4.71 (s); wherein (vs) stands for very strong intensity; (s) stands for strong intensity.
6. (Previously Presented) A crystalline polymorph Form B of N,N-dimethyl-5-(1H-1,2,4-triazol-1-ylmethyl)-1H-indole-3-ethanamine benzoate which exhibits a characteristic X-ray powder diffraction pattern with characteristic peaks expressed in d-values (\AA) at 10.4 (vs), 5.89 (m), 5.45 (s), 5.35 (m), 4.95 (s), 4.71 (s), 4.45 (m), 4.36 (m), 3.97 (m), 3.92 (m), 3.89 (m), 3.76 (m), 3.70 (m); wherein (vs) stands for very strong intensity; (s) stands for strong intensity; (m) stands for medium intensity.
7. (Previously Presented) A crystalline polymorph Form B of N,N-dimethyl-5-(1H-1,2,4-triazol-1-ylmethyl)-1H-indole-3-ethanamine benzoate which exhibits a characteristic X-ray powder diffraction pattern with characteristic peaks expressed in d-values (\AA) at 10.4 (vs), 5.89 (m), 5.45 (s), 5.35 (m), 5.18 (w), 4.95 (s), 4.71 (s), 4.45 (m), 4.36 (m), 4.23 (w), 4.18 (w), 3.97 (m), 3.92 (m), 3.89 (m), 3.76 (m), 3.70 (m), 3.50 (w), 3.45 (w), 2.72 (w); wherein

(vs) stands for very strong intensity; (s) stands for strong intensity; (m) stands for medium intensity; (w) stands for weak intensity

8. (Previously Presented) A crystalline polymorph Form B of N,N-dimethyl-5-(1H-1,2,4-triazol-1-ylmethyl)-1H-indole-3-ethanamine benzoate having an X-ray powder diffraction pattern substantially as depicted in Figure 2.
9. to 24. (Canceled)
25. (Withdrawn) A process for the preparation of a crystalline polymorph according to claim 5, in which a solution of Rizatriptan benzoate is in an alcohol, or in a mixture of an alcoholic and another organic solvent, is added to a non-solvent.
26. (Withdrawn) A process for the preparation of a crystalline polymorph according to claim 5, in which a non-solvent is added to a solution of Rizatriptan benzoate in an alcohol or in a mixture of an alcohol with another organic solvent.
27. (Withdrawn – Currently Amended) The A-process according to claim 25 in which the solution of Rizatriptan benzoate is in methanol or in a mixture of methanol and ethyl acetate.
28. (Withdrawn – Currently Amended) The A-process according to claim 25 in which the non-solvent is an alkane.
29. (Withdrawn – Currently Amended) The A-process according to claim 28 in which the non-solvent is hexane or heptane.

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30. (Withdrawn) A process for the preparation of a crystalline polymorph according to claim 5, in which a solution of Rizatriptan benzoate in an alcohol is evaporated to dryness.

31. (Withdrawn – Currently Amended) The A-process according to claim 30 in which the alcohol is 2-propanol or 1-butanol.

32. (Withdrawn – Currently Amended) The A-process according to claim 31, wherein seeding is carried out with crystals of the desired crystalline polymorph.

33. (Withdrawn – Currently Amended) The A-process according to claim 31, in which the solution of Rizatriptan benzoate is prepared in situ.

34. (Withdrawn – Currently Amended) The A-process according to claim 33 in which the solution of Rizatriptan benzoate is prepared upon reaction of rizatriptan free base with benzoic acid.

35. to 44. (Canceled)